

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-1870

TRANSITION, INCORPORATED; JAMES W. TRIPLETT;
JANET C. TRIPLETT; WILLIAM S. BELL,

Plaintiff - Appellees,

versus

THOMAS W. HOFER, JR., individually and as an
officer of Freedom Financial Company, L.L.C.,

Defendant - Appellant,

and

CLYDE AUSTIN, individually and as an officer
of International Financial Opportunities and
other associated entities; LAMONT KNIGHT,
individually and as officer of ADAR,
Incorporated; ADAR, INCORPORATED; RICHARD
HERTZ, individually and as an officer of
Moredoe, Incorporated; MOREDOE, INCORPORATED;
FREEDOM FINANCIAL COMPANY, L.L.C.; KEITH
HIGHSMITH, individually and as an agent of
Freedom Financial Company, L.L.C.,

Defendants.

No. 03-1871

TRANSITION, INCORPORATED; JAMES W. TRIPLETT;
JANET C. TRIPLETT; WILLIAM S. BELL,

Plaintiffs - Appellees,

versus

LAMONT KNIGHT, individually and as officer of
ADAR, Incorporated,

Defendant - Appellant,

and

CLYDE AUSTIN, individually and as an officer
of International Financial Opportunities and
other associated entities; ADAR, INCORPORATED;
RICHARD HERTZ, individually and as an officer
of Moredoe, Incorporated; MOREDOE,
INCORPORATED; THOMAS W. HOFER, JR.,
individually and as an officer of Freedom
Financial Company, L.L.C.; FREEDOM FINANCIAL
COMPANY, L.L.C.; KEITH HIGHSMITH, individually
and as an agent of Freedom Financial Company,
L.L.C.,

Defendants.

Appeals from the United States District Court for the Eastern
District of Virginia, at Richmond. Richard L. Williams, Senior
District Judge. (CA-01-103-3)

Submitted: October 8, 2003

Decided: October 29, 2003

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Affirmed in part and dismissed in part by unpublished per curiam opinion.

Thomas W. Hofler, Jr., Lamont Knight, Appellants Pro Se. James Broome Thorsen, Craig Juraj Curwood, THORSEN & SCHER, L.L.P., Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In these consolidated appeals, Thomas W. Hofler, Jr., and Lamont Knight appeal the June 12, 2003, district court order denying their motions to reconsider. Knight also appeals from the March 15, 2002, district court judgment. We affirm in part and dismiss in part.

We have reviewed the record and the June 12, 2003, district court order and find the district court did not abuse its discretion denying the motions to reconsider. Accordingly, we affirm. We dismiss as untimely Knight's appeal from the March 15, 2002, order.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on March 15, 2002. The notice of appeal was filed on July 10, 2003.

Accordingly, because Knight failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss his appeal from the March 15, 2002, order. As for

Hofler's and Knight's appeals from the district court's order denying the motion to reconsider, we affirm. We deny Hofler's motion to clarify and the motions by Hofler and Knight for a copy of the transcript produced at government expense. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART; DISMISSED IN PART